Remarks/Arguments

Independent claims 1, 16, 26, 36, 46 and 51 have been amended to point out and/or emphasize that the fiducials are located in the image plane of the imaging machine. This is shown and described, for example, in Fig. 1 and pages 8 and 12 of the instant application. This, in turn, allows for images 20 of the fiducials to be seen on a CT image 23 as shown in Fig. 6 which image also includes a target line 22 between the fiducials intercepting an anatomy image 26 of a subsurface target, all of which is used for defining a direction of approach to the subsurface target in accordance with applicants' invention. Neither Kalfas et al nor Braband, cited in the Office Action of May 12, 2003, Paper No. 17, teaches or suggests placing fiducials in the image plane of an imaging machine in the manner claimed by applicants.

Favorable action on this application is respectfully requested.

Respectfully submitted,

317

Martin G. Linihan Reg. No. 24,926

Hodgson Russ LLP One M&T Plaza, Suite 2000 Buffalo, New York 14203

Telephone:

716-848-1367

Dated:

February 13, 2004